

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**


GOMESINDO MENDEZ, ID # 39506-177,)	
Movant,)	
vs.)	No. 3:12-CV-4261-D
)	No. 3:09-CR-0318-D (02)
UNITED STATES OF AMERICA,)	
Respondent.)	

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED IN FORMA PAUPERIS ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders:

- (X) The motion for leave to proceed *in forma pauperis* on appeal is GRANTED.
- () the motion for leave to proceed *in forma pauperis* on appeal is DENIED because movant has not shown that he is a pauper.
- () Although this Court has denied movant permission to proceed with this case *in forma pauperis*, movant may challenge this finding pursuant to *Baugh v. Taylor*, 117 F. 3d 197 (5th Cir. 1997), by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order. *See also* Fed. R. App. P. 24(a)(5).

DATE: January 15, 2014



SIDNEY A. FITZWATER
CHIEF JUDGE